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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,875	03/07/2006	Osamu Mamba	1254-0308PUS1	9276
2292 7590 09/23/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER TUN, NAY L				
ART UNIT 2612		PAPER NUMBER		
NOTIFICATION DATE 09/23/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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mailroom@bskb.com

Office Action Summary

Application No.

10/570,875

Applicant(s)

MAMBA ET AL.

Examiner

NAY TUN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s) Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims status

1. In the amendment filed on July 06, 2009, claims 2-10 have been cancelled, claims 11-24 have been newly added and claim 1 has been amended. Therefore, claims 1 and 11-24 are currently pending for examination.

Claim Objections

2. Claim 11 is objected to because of the following informalities: Claim 11 recites "the control unit" without antecedent basis. For the purpose of the examination, the examiner will assume that "the control unit" is "control means". Appropriate correction is required.
3. Claim 15 is objected to because of the following informalities: Claim 15 recites "wherein the when the detection means" which appears to be a typographical error of "wherein when the detection means". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites detection of the carrier wave by detection of the voltage generated by

the electromagnetic wave. Since voltage can be generated by all kinds of electromagnetic waves as long as they have the enough strength, the device is detecting not only the carrier wave but also all other electromagnetic waves. Therefore, it is unclear that the detection means is detecting only the carrier wave or the electromagnetic wave or both.

6. Claims 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites detection of the carrier wave by detection of power generated by the electromagnetic wave. Since power can be generated by all kinds of electromagnetic waves as long as they have the enough strength, the device is detecting not only the carrier wave but also all other electromagnetic waves. Therefore, it is unclear that the device is detecting only the carrier wave or the electromagnetic wave or both.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 11, 15-17 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Arisawa et al.** [**Arisawa**: US 2003/0141989].

For claim 1, **Arisawa** discloses a terminal device having all claimed subject matter, as noted, 1) the claimed terminal device is met by “cellular phone having a card operation function” (102); 2) the claimed antenna is met by “antenna” (130); 3) the claimed communication circuit is met by “IC” (300); 4) the claimed battery is met by “battery” (160 in FIG. 5); 5) the claimed receiving communication information via an electromagnetic wave is read on “a signal received from the external reader/writer is in put via the rectifier to a receiver 139” (Para. 33); 6) the claimed detecting a carrier wave is read on “carrier-wave detector” (134) and “it is determined whether or not a carrier wave is contained in the radio wave received by the antenna 130” (Para. 34); 7) the claimed controlling a drive power supply is read on “control logic” (163); 8) the claimed stopping the supply of the drive power when the detection means no longer detects the carrier wave while a drive power is being supplied to said communication circuit is read on “when a carrier wave is detected within the received radio wave by the carrier-wave detector 134, a high signal VR is output” (Para. 45), SWcont is “OFF” and “Does not operate” (FIG. 7) and “when either of switch SWen 162 and the switch SWcont 164 becomes off, the power from the battery is not supplied as VDD” (Para. 47).

For claim 11, **Arisawa** further discloses the claimed drive power from the battery to the communication unit from a start to an end of the detection of the carrier wave by the detection means which is read on “when a carrier wave is detected within the received radio wave by the carrier-wave detector 134, a high signal VR is output. That is, the signal VR being high indicates that the cellular phone (IC 300) operates in the card mode” (Para. 45), SWcont is “OFF” and “Does not operate” (FIG. 7) and “when either of switch SWen 162 and the switch SWcont 164 becomes off, the power from the battery is not supplied as VDD” (Para. 47).

For claim 15, the claimed “after a predetermined period has elapsed after the detection means no longer detects the carrier wave *or* immediately after the detection means no longer detects the carrier wave” is in alternative form due to the word “or”. The following rejection is based on the limitation “immediately after the detection means no longer detects the carrier wave”.

Arisawa further discloses the claimed stopping the power supply immediately after the detection means no longer detects the carrier wave which is read on SWcont is “OFF” and “Does not operate” (FIG. 7) and “when either of switch SWen 162 and the switch SWcont 164 becomes off, the power from the battery is not supplied as VDD” (Para. 47).

For claims 16-17 and 21, the claimed antenna coil is met by “antenna” which is in a shape of coil (see 130 in FIG. 5) and the claimed non-contact IC module is met by “IC” (300).

For claim 22, **Arisawa** discloses the claimed electric circuit which is read on “IC” (300) and the rest of the claimed subject matters are disclosed as set forth in claim 1.

For claim 23, **Arisawa** further discloses the claimed central processing unit which is read on “CPU” (145) and the claimed controlling the detection unit, the communication unit and the power control unit which is read on “IC 300 is formed of a card function section 400, a reading/writing function section 500 and a control section 600” (Para. 32 and FIG. 3) and “the entire operation of the card function section 400 is controlled by a CPU 145 of the control section” (Para. 34).

Claim 24 is rejected for the same reason as claim 1, all the claimed subject matter being disclosed in claim 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPO 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

10. Claims 12-14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Arisawa**, in view of **Suga et al. (Suga: US 6,321,067)**.

For claims 12-14, **Arisawa** does not disclose explicitly detection of voltage or power generated by the electromagnetic wave or the voltage is an electromagnetically induced voltage. However, the preceding limitation is known in the art of IC card. **Suga** discloses an IC card that detects electromagnetically induced voltage or power generated by radio (electromagnetic) wave (see Abstract). Even though **Arisawa** does not explicitly disclose the detail implementation of carrier wave detector, one can easily recognize that applying the teachings of **Suga** will give the predictable result of detecting power carrier wave.

Therefore, it would have been obvious to the one of the ordinary skill in the art at the time of the invention was made to detect a carrier wave by detecting the induced power or voltage, as taught by **Suga**, in the system of **Arisawa**, in order to implement a carrier wave detector.

For claims 18-20, Arisawa further discloses the claimed antenna coil is met by “antenna” which is in a shape of coil (see 130 in FIG. 5) and the claimed non-contact IC module is met by “IC” (300).

Response to Arguments

11. Applicant’s arguments/amendments filed 06 July 2009 have been fully considered but are moot in view of new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nay Tun whose telephone number is (571) 270-7939. The examiner can normally be reached on Mon-Thurs from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NAY TUN/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612